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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,947	06/27/2005	Choo Woon Loh	604-L/10/100,000	3785

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EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/540,947	LOH ET AL.
	Examiner	Art Unit	
	CHUCK O. KENDALL	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-22</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>06/27/05</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Detailed Action

1.   This is in response to Application filed 06/27/05.

2.   Claims 1 – 22 have been examined.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim language draws limitations to software per se type components. Software per se type elements are not considered statutory subject matter as they do not include the necessary associated hardware to enable it's functionality to be realized.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by
another filed in the United States before the invention thereof by the applicant for patent,
or on an international application by another who has fulfilled the requirements of
paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by
the applicant for patent.

5.   Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Jackson et al. US2002/0152305 A1.

        Regarding claims 1, 10, 19 and 20 a method for estimating a quantity

of a resource required during installation of a software application on a

computing system [0459], comprising the steps of accessing a database

containing historical resource utilisation data for installation of the software

application on other computing systems[0451], selecting a value for a

parameter of the computing system relevant to resource utilisation and a

value for a parameter of the software application relevant to resource

utilisation and using the historical resource utilisation data and the selected

parameter values to estimate the quantity of the resource required for

installation of the software application [0037-0038, and 0451].

        Regarding claims 2 and 11, a method in accordance with claim 1,

wherein the historical resource utilisation data includes parameter values of

the computing systems and parameter values of the software applications

historically installed [0037, see "...history repository capable of maintaining,

the logged resource utilization information and being implemented on a

server coupled to the system management processing engine...".

Regarding claims 3 and 12, a method in accordance with claim 2,

wherein the historical resource utilisation data includes statistics, the

statistics being values of the quantities of resources used in the historical

installation [0016].

Regarding claims 4 and 13, a method in accordance with claim 3,

wherein the historical resource utilisation data includes at least two

parameter/statistic pairs for historical installation [0277].

Regarding claims 5 and 14, a method in accordance with claim 3,

wherein the relationship between the parameter and statistic pairs is derived

by applying a statistical model to the parameter/statistic pairs [0277].

Regarding claims 6 and 15, a method in accordance with claim 4,

wherein a relationship is predicted between a statistic and n distinct

parameters, where n is any integer greater than or equal to two, comprising

the further step of obtaining $m.sub.n$ different values for each parameter

P.sub.n, and further obtaining at least m.sub.1m.sub.2 m.sub.n values of a statistic for each distinct combination of parameter values, where m.sub.1m.sub.2 m.sub.n represents the product of values m.sub.1, m.sub.2, . . . m.sub.n [0463-0464].

Regarding claims 7 and 16, a method in accordance with claim 5, wherein the relationship between the statistic and the parameter or n parameters is determined by assuming that the relationship between the parameter/statistic pairs takes the form of a straight line [0559, sed linear].

Regarding claims 8 and 17, a method in accordance with claim 6, wherein the equation of the straight line is calculated using co-ordinate geometry [0559 - 0564, see calculate].

Regarding claims 9 and 18, a method in accordance with claim 7, wherein the mathematical model takes the form: S = S a + (S c - S a) (c - a) .times. (P k - a) [0559 - 0564].

Regarding claim 21, a method for building a model for use in the prediction of resources required for the installation of a software application, the method comprising the steps of collecting historical resource utilisation

data of resources utilised during the installation of software applications on computing systems, and storing the historical resource usage data [0037-0038, and 0451].

Regarding claim 22, a model comprising historical resource utilisation data of resources utilised during the installation of software applications on computing systems, the data being stored in a database [0037-0038, and 0451].

Correspondence Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:300pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192